

## LAW

## Law makes freedom work

## Clarence Mitchell, Jr. helped make laws to guarantee basic freedoms

By KENNETH D. KARPAY  
Deputy Managing Editor

*Editor's Note: The following was originally published in the May 1984 Daily Record Law Day issue. The theme of Law Day that year was 'Law Makes Freedom Work.' We republish it today in celebration of today's planned re-dedication of the Baltimore City Courthouse, as the Clarence M. Mitchell, Jr. Courthouse.*

In October 1975, Clarence Mitchell, Jr., a member of the U.S. delegation to the United Nations, spoke before that international body's Special Political Committee on the subject of apartheid. He criticized the practice as "odious and abhorrent." South African Prime Minister Balthazar Johannes Vorster then challenged Mitchell to name persons who, according to Mitchell, had been detained in South Africa because of their opposition to apartheid.

As Daniel P. Moynihan, now a United States Senator, recently explained on the floor of the Senate, Mitchell "prepared a 6,000-word reply which was accompanied by three pages listing the names of persons, white and non-white, in detention for precisely the reason Mitchell had first claimed. His reply was a meticulously documented, closely reasoned argument that what was legal in South Africa was illegal by the standards of a liberal society."

Moynihan said, "The response introduced a wholly new method of argument to the General Assembly. We thought of it as the equivalent of a 'Brandeis brief' in the American legal system."

It was for Mitchell, a 1963 graduate of the University of Maryland Law School, (he attended law school at night, arriving at school following a full day of NAACP work) and a member of the Maryland State Bar, a unique opportunity to use his legal skills in a more traditional manner.

When most people think of Clarence Mitchell's career, it is as a lobbyist for the Washington bureau of the NAACP. It was a career spent carefully crafting arguments and persuading legislators to support the series of landmark legislative civil rights bills from the 1950s through the 1970s.

Mitchell's admirable use of facts, careful reasoning and analysis in the U.N. was a hallmark of his years as a legislative lobbyist. It was primarily as a result of three decades of NAACP work, in the forefront of civil rights battles, that caused him to be nicknamed the U.S. Senate's "101st Senator."

If there is any doubt today that 'law makes freedom work', there can be little doubt Mitchell grew up in a time when that was an empty phrase for the millions of black Americans who were often disenfranchised and unprotected by federal, state and local laws.

Clarence Mitchell passed away in March of this year. Throughout the numerous memorials and writings that followed, all commemorating his life and its achievements, was a repeating theme: his dedication to making laws that would make freedom work. That is a legacy unique to many statesmen and leaders, and one to examine on this Law Day.

## Motivating events

Before joining the NAACP as its chief Washington lobbyist in 1946, Mitchell witnessed for himself the discrimination and hatred that probably made him such an effective advocate for his cause. For example, in 1933, a black man was charged with raping a white elderly woman in Princess Anne,



Says Juanita Jackson Mitchell of her husband: "He wanted young people to know that democracy is the best form of government, but, that the blessings of this democracy must be spread equally among all the people. He fought a good fight."

Maryland. Before the trial, however, the man was lynched on the street, and set on fire by a crowd. As a reporter, Mitchell wrote about this brutal murder. Later that year he covered the retrial of the eight Scottsboro, Alabama black men who had been convicted of raping two white women in a railroad freight car in Alabama. (Eventually, all but one of the eight either had their convictions reversed or were pardoned.) In the 1930s, when the Congress was considering anti-lynching legislation, Mitchell, though a reporter, testified about the need for such laws.

Later, after a few more years as a reporter, then earning a post-graduate degree in social work and working for the Urban League in Minnesota, Mitchell joined the NAACP's Washington bureau in 1946, and worked as Labor Secretary until 1950 when he was appointed Director of the Association's Washington Bureau. He remained in that position until his retirement in December, 1978.

Surprisingly, Mitchell's name is not often mentioned when contemporary news accounts discuss persons involved in the civil rights successes of the 50s, 60s and 1970s.

But, as Althea T. L. Simmons, current NAACP Washington bureau Executive Director (the direct successor to Mitchell) notes, "All civil rights legislation passed from 1957 through 1979 had Clarence Mitchell's footprints and hands all over it."

Acclaim is virtually universal that Mitchell was instrumental in the enactment of civil rights laws during this legislative era.

Hubert Humphrey was Vice President during Congressional consideration of the 1964 and 1965 Civil Rights legislation, and led the Johnson Administration's efforts to pass that legislation. He once said that Mitchell sat in the Senate gallery during debates on the proposed legislation and took notes on the arguments propounded by the various speakers. Humphrey and Mitchell would then meet later and discuss the appropriate replies that were so important to the bill's passage.

Others, both supporters and opponents of the legislation confirm Humphrey's impressions of Mitchell's involvement. As another civil rights advocate noted about the 1965 legislation, "Clarence Mitchell had much more — perhaps the most — to do with securing passage of [for example] the [1965] Voting Rights Act."

Mitchell's importance, in recent American history, becomes clear

when his major legislative involvements are seen. They include:

- The Civil Rights Act of 1957 (HR 6127, Public Law 85-315): The first civil rights legislation passed by Congress since the Civil War Reconstruction period. The law prohibits action to prevent voting in federal elections, and authorizes the Attorney General to bring suit when a voting deprivation has occurred. Finally, it creates a Civil Rights Commission, and establishes the Civil Rights Division in the Department of Justice.

- The Civil Rights Act of 1960 (HR 8601, Public Law 86-449): Strengthens the 1957 Act by adding such a provision as one requiring preservation of voting records.

- The Civil Rights Act of 1964

**He would never say that a Congressman was definitely voting against the bill. He might only say, 'he might be a tough one', when you knew there was almost no way we would have his vote. But, he never gave up.**

—Larry Gibson

(HR 7152, Public Law 88-352): Among the provisions of this civil rights landmark: prohibitions on discrimination in public accommodations, and in federally assisted programs, and by employers and unions, and establishes the Equal Employment Opportunity Commission (E.E.O.C.).

- The Voting Rights Act of 1965 (S-1564, Public Law 89-110): Authorizes the Attorney General to appoint federal examiners to encourage voting registration in areas of extreme discrimination, and strengthens voting rights interference penalties.

- The Fair Housing Act of 1968 (HR 2516, Public Law 90-284): Prohibits discrimination in housing and establishes protections for exercising other basic rights of citizenship.

If Mitchell was so involved in all this legislation, why is his name not mentioned in contemporary newspaper accounts, along with others so crucial to civil rights legislative successes? Some suggest it is because most lobbyists do not usually want coverage of their activities. This could explain the absence of Mitchell's name.

It is usually in historical accounts of the numerous legislative battles of the last three decades that Mitchell does seem to figure quite prominently. For example, in *Lyndon: An Oral Biography*, historian Merle Miller's biography of President Lyndon B. Johnson, Mitchell is mentioned as one of the two persons the 36th President called immediately after the 1964 bill passed the House and was on the way to the Senate. Don Wolfe is an Associate Professor of Political Science at Loyola University in Baltimore, and a student of contemporary American political history. He says Mitchell was not as visible an advocate for civil rights as Martin Luther King or Roy Wilkins. Wolfe notes, however, that Mitchell had both a great knowledge of the law, and use of language. "We are all lucky to have had him working within the system at such a crucial time in our history."

Others point out that Mitchell's extreme humility might account for his absence from the list of legislative heavyweights. As one longtime Mitchell family friend notes, "even after he retired, and everyone wanted to give him awards, he accepted them, but always deflecting the accolades that came to him."

It is Mitchell's wife of 46 years, Juanita Jackson Mitchell (a prominent Baltimore attorney and civil rights activist in her own right) who says it best: "My husband," she tells *THE DAILY RECORD*, "pushed the cause; to him, the cause was more important than the person."

## Lobbyist par excellence

Why was Mitchell so successful in his efforts as a NAACP lobbyist?

suasive and never showed any temper."

Many observe that Mitchell's unwillingness to give up trying to persuade was his trademark of success. Says Gibson, "He would never say that a Congressman was definitely voting against the bill. He might only say, 'he might be a tough one', when you knew there was almost no way we would have his vote. But, he never gave up." In the end, his persistence paid off.

Simmons, who had the opportunity to view Mitchell's lobbying techniques for years while working together "as a colleague in the field," explains Mitchell's lobbying success this way.

"First, he did his homework. Second, he knew how to influence people. A lobbyist," she adds, "has to provide people with accurate information from both sides. He did that well, and got to the point quickly."

"Third," Simmons points out, "he was sincere. And fourth, he had unquestioned integrity. Remember, lobbyists are worth nothing if they aren't trusted, even by those who disagree with them."

Washington observers and students of government agree that Mitchell used this lobbying formula not only in these major civil rights battles, but in others as well.

For example, many give Mitchell substantial credit for the Senate's rejection of two of President Richard Nixon's U.S. Supreme Court nominations: Judge Clement F. Haynsworth in 1969, by a vote of 55-45, and Judge G. Harold Carswell, in 1970, by a vote of 51-45.

And as Washington observers stress, Mitchell was the NAACP's chief Washington lobbyist. Thus as Simmons says, "once a law was drafted, it fell into the purview of Clarence Mitchell. His work included not only following proceedings on Capitol Hill, but following up in agencies and bureaus as well."

As one Mitchell friend notes, "he was there to make sure the fox wasn't left to be the protector of the chicken coop." It's no surprise then that Mitchell is often credited with putting the Equal Employment Opportunity Commission in business, overseeing agency rules and regulations, and monitoring nominations, appointments and other Washington proceedings that Mitchell thought might affect his mission.

## A fitting memorial

In 1978, Mitchell retired as Chief of the Washington, D.C. NAACP bureau, but continued to advise the association, while working in his Baltimore law practice with his wife and son Michael.

The City of Baltimore is currently considering proposals for a Mitchell memorial. The City Board of Estimates recently memorialized Mitchell for "walking his entire adult life for the cause of human dignity for all people everywhere."

As proposals are considered, it should be remembered that Mitchell represents so well the theme of this year's law day: law makes freedom work. It is on this day, especially, when our nation celebrates our legal foundations, our complicated and comprehensive series of laws, that we should look to Clarence Mitchell as the ultimate testament to the rule of law. He recognized that his freedom, and that of his children, could only be guaranteed with laws protecting them. As Juanita Jackson Mitchell says, "He wanted young people to know that democracy is the best form of government, but, that the blessings of this democracy must be spread equally among all the people. He fought a good fight."